

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Norfolk Southern Railway Company,	:	
Petitioner,	:	
	:	
v.	:	
	:	
Illinois Department of Transportation, and Edwards County Road	:	
District No. 6,	:	T00-0015
Respondents.	:	
	:	
Petition to permit closing of a certain existing railroad crossing in	:	
Edwards County, Illinois, To Wit: TR 185 (MP 130.52; DOT	:	
#724696V); to construct an access road; and to install automatic	:	
flashing light signals and gates with constant warning circuitry at	:	
a certain existing railroad crossing in Edwards County, Illinois, To	:	
Wit: TR 18 (MP 129.94; DOT #724699R).	:	

SUPPLEMENTAL ORDER

By the Commission:

On September 20, 2000, the Illinois Commerce Commission ("Commission") entered its Order in this matter that required, among other things, the Norfolk Southern Railway Company ("NS" or "Petitioner") to close, abolish, and barricade the Township Road ("TR") 185 crossing and install automatic flashing light signals and gates controlled by constant warning time circuitry at the TR 18 and TR 36 crossings. The Order also required Edwards County, on behalf of Edwards County Road District No. 6 ("County"), to construct a connecting road between the TR 36 and TR 185 crossings. The associated costs were divided between the parties and the Grade Crossing Protection Fund ("Fund"). All work was to be completed within one (1) year from the date of the Order.

On September 21, 2001, the NS filed its Supplemental Petition with the Commission requesting therein an extension of time to and including December 20, 2001, within which to complete the work as required by the original Order as aforementioned. The NS states that due to the current workload of its construction forces, the aforementioned work was delayed until late summer, 2001. When the NS crews prepared to begin construction, they found that "AC" power is not currently available at either work location and power lines must be built to those two warning device locations before the NS can commence its

work. The NS is currently working to secure this power, but the NS will not be able to complete the required work by the September 20, 2001, completion date. The NS believes that it will be able to complete its work as required by the original Order by December 20, 2001.

On November 22, 2001, the County of Edwards, on behalf of Edwards County Road District No. 6, filed its Supplemental Petition stating the cost of the roadway portion of the project has increased above the amount contained in the original Order. The County is requesting an increase in Fund participation to pay for the increase in cost for the roadway work. The County states that the additional costs are the result of: (1) additional costs in design engineering resulting from revisions to the original proposal relating to the length and elevation of the roadway between TR 36 and TR 185; these changes were due to problems associated with the acquisition of required right-of-way along the original roadway alignment; and, (2) additional costs in construction are the result of earth excavation, borrow excavation, and other roadway related quantities that were not able to be precisely determined for the project. Both of the above conditions were unknown to the Petitioner and its consultant at the time that the original preliminary project cost estimates were prepared.

The Fund was required to pay 100% of the cost for the connecting road between TR 36 and TR 185 by the original Order. The consultant's original preliminary cost estimate for the project was \$118,000. This amount was revised to \$158,000, on August 24, 2001. The current project amount is \$180,000 as shown on Exhibits B, C, and D, attached to the County's Supplemental Petition. This is an increase of \$62,000 above the Fund amount as contained in the original Order. The County requests that the Fund pay 100% of the revised cost for the connecting road since the original Order required the Fund to pay 100% of the cost for said roadway. Staff has reviewed the attached cost exhibits and has no objection to the requests as contained in the County's Supplemental Petition.

All required design engineering revisions and adjustments have been completed. The project has gone to bid and the construction contract has been awarded. Construction is now underway and scheduled for completion by June 30, 2002. The connecting road could be completed sooner if the weather allows for an early construction start.

The Commission, having given due consideration to the entire record herein, finds that:

- 1) the Commission has jurisdiction of the parties hereto and the subject matter hereof;

- 2) the recitals of fact set forth in the prefatory portion of this Supplemental Order are supported by the evidence of record and are hereby adopted as findings of fact;
- 3) an extension of time to and including December 20, 2001, should be granted to the NS within which to complete the crossing signal installations and crossing closure as required by the original Order; an extension of time to and including June 30, 2002, should be granted to the Edwards County within which to complete the work as required by the original Order;
- 4) the amount to be paid by the Grade Crossing Protection Fund toward the construction of the connecting road should not exceed \$180,000; an increase of \$62,000 above the estimated cost as contained in the original Order;
- 5) all other terms and conditions of the original Order dated September 20, 2000, should remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that an extension of time to and including December 20, 2001 be, and it is hereby, granted to the Norfolk Southern Railway Company within which to complete the installation of the automatic flashing light signals and gates controlled by constant warning time circuitry at its grade crossings with TR 18 and TR 36, and the closure, abolition, and barricading of the TR 185 crossing in Edwards County Road District No. 6, Edwards County, Illinois.

IT IS FURTHER ORDERED that an extension of time to and including June 30, 2002, be, and it is hereby, granted to Edwards County within which to complete the construction of a connecting road between TR 36 and TR 185 in Edwards County Road District No. 6, Edwards County, Illinois.

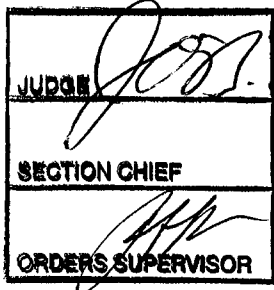
IT IS FURTHER ORDERED that the revised cost for the connecting roadway between TR 36 and TR 185, in the amount of \$180,000, as further set forth in Finding (4) of this Supplemental Order, shall be paid 100% by the Grade Crossing Protection Fund; this is an increase of \$62,000 over the estimated cost as set forth in the original Order, dated September 20, 2000.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order dated September 20, 2000, shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 5th day of December, 2001.

*Richard L. Mathias*³



Chairman